

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 93.
(BILL NO. 12 OF 1929)

20th January 1930]

* Mr. J. A. SALDANHA :—“ I suggest that we may take up this item to-morrow. We have done very good work for the day.”

* The hon. the PRESIDENT :—“ The hon. Member being a member of the House cannot himself credit the House with having done good work. He should leave it to others to judge.”

Mr. J. A. SALDANHA :—“ I do not take credit for myself.”

Clause 3

Clause 3 was put, passed and added to the Bill.

Clause 4.

The hon. Dr. P. SUBBARAYAN :—“ I move that the definition clause be postponed till we do the other clauses.”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ I second it.”

The motion was put and adopted.

Clause 5.

Clause 5 was taken up for consideration.

Mr. A. RANGANATHA MUDALIYAR :—“ I move that the further consideration of the Bill be taken up to-morrow so that we may give the attention this Bill deserves.”

* Mr. J. A. SALDANHA :—“ We are already tired.”

* The hon. the PRESIDENT :—“ Then we must go on with the Local Boards Bill or the excess demands. I am not inclined to adjourn the sittings before 5 o'clock.”

* Mr. A. RANGANATHA MUDALIYAR :—“ I did not say that the Council should adjourn.”

* The hon. the PRESIDENT :—“ The question is that the consideration of the Bill be postponed to to-morrow.”

* Mr. C. E. WOOD :—“ Mr. President, Sir, as the hon. Member who proposed the motion for postponement is aware a tremendous lot of time and energy were spent over this Bill in the Select Committee. I do not therefore want that the Bill should lie over unless hon. Members consider there are sufficient reasons to postpone its discussion.”

* Mr. A. RANGANATHA MUDALIYAR :—“ I thought Mr. Wood said that the motion was to delay the passing of the Bill. I would be the last person to adopt such tactics. I said that we can take this as the first thing to-morrow. I am very sorry that he should have entertained that idea for a moment.”

Mr. C. E. WOOD :—“ In the circumstances I withdraw.”

* The hon. the PRESIDENT :—“ The question is that the Council do proceed to the next item on the agenda because hon. Members cannot fix its order of arrangement. It is for the Government to do so. Hon. Members can only say that this item need not be proceeded with for the present.”

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—“ It is better that we go on.”

Mr. A. Ranganatha Mudaliyar rose to speak.

[20th January 1930]

* The hon. the PRESIDENT :—“ This is not a committee stage. I cannot allow.”

* Mr. A. RANGANATHA MUDALIYAR :—“ I wish to put a question.”

The hon. the PRESIDENT :—“ The hon. Member has no right.”

* Mr. K. P. RAMAN MENON :—“ I never expected this will come on to-day. The first item in the agenda was the Malabar Tenancy Bill and I expected that to be discussed. I also thought that there may be points raised so that the Tenancy Bill will occupy the major portion of the day and that grants would take the rest of the day so that the District Municipalities Bill would not be reached at all. In these circumstances it is not strange that some of us have not come forward after going through the various sections of the Bill to see how far they would affect the previous Act. I therefore, Sir, support that this matter be adjourned for the present.”

4-30 P.M. * Mr. R. NAGAN GOWDA :—“ I just want to say one word in respect of the motion of my hon. Friend, Mr. Ranganatha Mudaliyar, to postpone the consideration of this Bill, and it is this. I do not think the House is in a mood to give its immediate attention to the consideration of this Bill. For as my hon. Friend who spoke before me said, we never expected that this Bill will be coming up now at all for consideration. If the consideration of the Bill is postponed at least till to-morrow morning, it will give us an opportunity to give the Bill our best consideration.”

* Mr. F. E. JAMES :—“ I should like to ask one question, Sir. Supposing we defer the consideration of this Bill now, how can we be sure that it will come up again to-morrow morning? The first thing for to-morrow morning is the consideration of the amendments to the Malabar Tenancy Bill. Can we expect to reach this Bill after disposing of those amendments? That is my difficulty. I do not want the consideration of this Bill to be postponed *sine die*. I hope the House will arrive at a decision on the point after considering all the circumstances.”

* The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur :—“ May I, on behalf of the Government, say that we intend to proceed with the Bill?”

* The hon. the PRESIDENT :—“ I will now put the motion of Mr. A. Ranganatha Mudaliyar to the vote of the House. The question is that the further consideration of the Bill to amend the Madras District Municipalities Act, 1920, be postponed.”

The motion was put and declared lost.

Mr. Nagan Gowda demanded a poll, and the House divided thus :

Ayes.

- | | |
|---|--|
| 1. Rao Sahib R. Srinivasan. | 10. Mr. R. Nagan Gowda. |
| 2. Mr. R. Foulkes. | 11. „ C. R. Parthasarathi Ayyangar. |
| 3. „ A. J. Leech. | 12. Diwan Bahadur B. Muniswami Nayudu. |
| 4. „ S. Arpudaswami Udayar. | 13. Rao Bahadur Sir A. P. Patro. |
| 5. „ G. R. Premayya. | 14. „ C. Natesa Mudaliyar. |
| 6. „ J. A. Saldanha. | 15. Mr. P. T. Rajan. |
| 7. „ A. Ranganatha Mudaliyar. | 16. „ T. K. Chidambaranatha Mudaliyar. |
| 8. Diwan Bahadur R. N. Arogyaswami Mudaliyar. | 17. Khan Bahadur S. K. Abdul Razaek Sahib Bahadur. |
| 9. Mr. K. P. Raman Menon. | 18. Mr. Khadir Mohidin Sahib. |

20th January 1930]

Noes.

- | | |
|---|--|
| <p>1. The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.</p> <p>2. " Diwan Bahadur Sir M. Krishnan Nayar.</p> <p>3. " Mr. A. Y. G. Campbell.</p> <p>4. " Mr. M. R. Seturatnam Ayyar.</p> <p>5. " Mr. S. Muthiah Mudaliyar.</p> <p>6. " Dr. P. Subbarayan.</p> <p>7. Mr. Hilton Brown.</p> <p>8. " H. A. Watson.</p> <p>9. " A. G. Leach.</p> <p>10. " J. Gray.</p> <p>11. " S. V. Ramamurti.</p> <p>12. " C. B. Cotterell.</p> <p>13. " V. Ch. John.</p> <p>14. " M. A. Manikkavelu Nayakar.</p> <p>15. Khan Sahib Syed Tajuddin Sahib Bahadur.</p> <p>16. Mr. A. B. Shetty.</p> <p>17. " J. Bheemayya.</p> | <p>18. Mr. J. A. Davis.</p> <p>19. " Mahmud Schammad.</p> <p>20. The Zamindar of Singampatti.</p> <p>21. Subadar Major S. A. Nanjappa Bahadur.</p> <p>22. Mr. T. M. Narayanaswami Pillai.</p> <p>23. " K. Krishnan.</p> <p>24. " N. Siva Raj.</p> <p>25. " M. V. Gangadhara Siva.</p> <p>26. Rao Sahib L. C. Guruswami.</p> <p>27. " V. I. Muniswami Pillai.</p> <p>28. Mr. W. P. A. Soundarapandian.</p> <p>29. " S. Subrahmanya Mooppanar.</p> <p>30. " S. Venkayya.</p> <p>31. " C. Govindan Nayar.</p> <p>32. " T. G. Rutherford.</p> <p>33. " F. E. James.</p> <p>34. " H. F. P. Hearson.</p> <p>35. " K. Ramachandra Padayachi.</p> <p>36. The Maharaja of Pithapuram.</p> |
|---|--|

Ayes 18. Noes 36.

The motion was negatived.

* The hon. the PRESIDENT:—"Clause 5 is for the consideration of the House.

"The question is that clause 5 shall stand part of the Bill."

The clause was passed and added to the Bill.

* Mr. J. A. SALDANHA:—"Sir, as regards my amendment No. 11, I have been anticipating a motion for having an Executive Officer, which may come up later on. I would beg that the consideration of this amendment be taken up after that amendment is considered.

The hon. the PRESIDENT:—"Amendment not moved for the present."

Clause 6.

* Mr. J. A. SALDANHA:—"Sir, I beg to move—

For sub-sections (2), (3) and (4) of section 7, substitute the following:—

‘(2) *Any municipal council by a majority of at least two-thirds of its sanctioned strength may decide to adopt universal adult suffrage subject to any electoral system of proportional representation as it may think fit and prescribe and thereafter . . .*

I would beg, Sir, that the words that follow, namely, ‘subject to the approval of the supervising authority’ in the amendment on the paper may be omitted. (After a pause.) In case the Government amendment is moved, I think, Sir, I can move this amendment of mine at that stage. I request you, Sir, to give me an opportunity then.”

* The hon. the PRESIDENT:—"Amendment not moved for the present. Then, there is a roneced amendment to sub-section (3) of section 7, in the name of Mr. Gangadhara Siva. I should like to know when he gave notice of that amendment. However, this amendment is only for the reservation of one seat for Adi-Dravidas. On this subject, there is Mr. Muniswami Pillai's amendment No. 24-A which seeks to reserve two seats for Adi-Dravidas. The hon. Member Mr. Gangadhara Siva may move his amendment at that stage."

[20th January 1930]

* Mr. S. ARPUDASWAMI UDAYAR :—“ Sir, I beg to move—

‘ In lines 1 to 3 of sub-section (3) of section 7 for the words “ in any municipality the Local Government may . . . reserve seats, for ” substitute the words “ in every municipality, such number of seats as the Local Government may, by notification, from time to time determine, shall be reserved for ”.’

Sir, in the Bill as amended by the Select Committee, this provision is optional and not obligatory as we find in the Government Bill, and the wording is not quite so clear. When we want that such number of seats shall be reserved, we should make the wording more precise by which the Government will be bound to reserve such seats. That is why I have put in the words ‘ such number of seats as the Local Government may, by notification, from time to time determine, shall be reserved for ’. Therefore, I want that these reservations should be obligatory, and I believe my hon. Friends in this House will concur with me that the reservation should be obligatory, especially as it affects the interests of minority communities. For these reasons, I move the amendment.”

Mr. G. R. PREMAYYA :—“ I second it.”

* The hon. Dr. P. SUBBARAYAN :—“ Mr. President, the question of obligatory reservation of seats was fully considered by the Select Committee, and they came to the conclusion that there was no necessity for such obligatory reservation. I concurred with that opinion because, as will be seen, there are already six different communities provided for representation by means of reservation in various municipalities, and there are municipalities which do not contain all the six communities. You will find that the reservation is limited to 25 per cent of the number of seats in each municipality. When such is the case, it will be difficult to make obligatory reservation for all the communities, and there are cases in which the communities either Christians or Muslims or Europeans are already represented in a particular municipality, when there will be no need to reserve seats for such representatives. I therefore think it best to retain the optional reservation which is contained in the provisions of the Bill as amended by the Select Committee. I am not therefore able to accept the amendment of Mr. Arpudaswami Udayar.”

* Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur :—“ Sir, I have no objection against the voluntary nature of the clause in the Bill. But there is one point in Mr. Arpudaswami Udayar’s amendment, and that is the addition of the words, ‘ such number of seats as the Local Government may, by notification, from time to time determine.’ What I say is that this portion of the amendment must be accepted. I therefore think that those words in the amendment should be inserted in the clause.”

The amendment was put and negatived.

4-45 p.m. * Mr. C. E. WOOD :—“ Mr. President, this is merely a verbal alteration to bring the wording in line with the amendment No. 17-A below. So, I move—

‘ In lines 2 and 3 in sub-section (3) of section 7 for the words “ reserve seats for ” substitute the words “ reserve seats for the special, representation of ”.’

20th January 1930]

Mr. H. F. P. HEARSON :—" I second it."

* The hon. Dr. P. SUBBARAYAN :—" Sir, this question, as Mr. Wood himself kindly explained, would depend on whether the Council is going to accept Mr. Wood's further amendment, that those minority communities for whom seats are to be reserved should be represented by representatives elected by voters belonging to that community. That is a large question which will be dealt with when we come to that amendment later on. So I would ask Mr. Wood to postpone this amendment till that is considered and disposed of."

* The hon. the PRESIDENT :—" If the hon. Member thinks such amendment is necessary purely as a drafting amendment it may come in the third reading stage. The Standing Order is that we should dispose of the amendments of substance in the order of the words of the clauses to which they relate."

The hon. Dr. P. SUBBARAYAN :—" I do not think this amendment is necessary."

* Mr. A. RANGANATHA MUDALIYAR :—" Sir, I do not exactly understand what would follow if Mr. Wood's suggestion is adopted. He wants that some seats should be reserved for the special representation of Muslims, Indian Christians and other minority communities. We know that in this very Council when certain communities' interests had to be represented, we had members coming from communities other than their own representing those interests. For example, in the first Council I know that when a seat had to be found for depressed classes a caste man was put in. The acceptance of Mr. Wood's amendment would give rise to difficulty. So, I hope Members in this House will think twice before accepting this amendment."

* Mr. R. NAGAN GOWDA :—" I oppose the amendment moved by my Friend Mr. Wood, because it might mean that this representation need not be made by a member of the community itself. The words 'for the special representation of' might mean that a member of any community other than those mentioned may also come in to represent those communities. So, I oppose this."

* Mr. F. E. JAMES :—" I think I may explain the genesis of this particular amendment. According to Mr. Wood, the amendment under 17-A is based upon certain principles. One is that there should be reserved seats for special constituencies like Chambers of Commerce and Trades Association. Secondly, reserved seats should have separate electorates. As the principle is already raised, it is much better to clear the point. The idea of Mr. Wood is that if the House is desirous that minorities should be adequately represented on municipalities and if they wish to have representative people, then the best way of achieving that would be to have a separate electorate for each community. The institution of a separate electorate in any public body in these days is an unpopular method, but I would point out to the majority in this House that if they desire adequate representation they will get a better kind of representation from the particular community by means of separate electorates than by means of joint electorates. Some of us who have experience in other public bodies of the way in which joint electorates work will bear out what I say. Although a person is elected as a member of the particular community, he may not possess the confidence of the community for which he stands. When we have reached a certain stage of development then separate electorates may be entirely abolished. We shall have reserved seats for Muhammadans, Christians, Europeans and Anglo-Indians, etc., elected by

[Mr. F. E. James]

[20th January 1930]

a mixed electorate. I am willing to admit that the existence of separate electorates may be a definite hindrance to the proper development of free institutions in this country. The point is: Have we reached that stage when we can say, 'We will do away with that.' Every party in this House and in this country is united on this—that they desire to see in this country the development of representative institutions, not simply parliamentary institutions—which are not necessarily representative—but representative institutions, that is to say, institutions which mirror the desires and wishes of the people they represent.

"This is a practical proposition. You may say you look forward to a time when these separate electorates will be abolished, when no one will stand for a Christian Muhammadan or European or other community. We have not reached that stage. Therefore it is better for us to settle this question once and for all and discover whether this House is in favour of total electorate or separate electorate."

* Mr. P. SIVA RAO :—"On a point of order. I wish to know whether the question of separate electorates *versus* joint electorate can come under discussion in the consideration of this particular amendment."

* The hon. the PRESIDENT :—"Mr. James is explaining that the intention of this amendment is to give effect to a particular idea."

* Mr. F. E. JAMES :—"The main question is that although you may have reservation of seats for representatives of those communities, are they to be representative of the wishes and desire of those people? The country wants to develop not along the line which is desired by the minorities only but on the lines which are desired by the majorities and the minorities."

"We stand for proper representation in public bodies and that is the intention behind this amendment. It is a question of separate or joint electorates, and Mr. Wood does not want this Council to be under any misapprehension in regard to this."

The Council then adjourned to meet again at 11 a.m the next day.

X

PAPERS LAID ON THE TABLE OF THE HOUSE.

a 1. Proceedings of the third meeting of the Finance Committee held on the 5th October 1929.

a 2. G.O. No. 2824 W., dated 7th October 1929, regarding reconsideration of the existing orders in the matter of the investigation and preparation of plans, estimates, etc., of Municipal Electric Supply Schemes.

3. ^b G.O. No. 1620, Development, dated 26th September 1929, publishing amendment to Rule 12 framed under section 19 (b) (6) of the State Aid to Industries Act.

4. ^c G.O. No. 1874, Development, dated 2nd November 1929, communicating the authorization by His Excellency the Governor of an additional expenditure of not more than Rs. 53,800 during the year 1929-30 for the purchase of sera and vaccines.

a Placed on the table on 27th March 1929.

^b Printed as Appendix VI on pages 145-146 *infra*.

^c Printed as Appendix VII on page 146 *infra*.